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April 20, 2016

*Via ECF*  
Honorable LaShann DeArcy Hall  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 505 North  
Brooklyn, NY 11201

**Re: Francesco Portelos v. New York City Department of Education et al.,  
12 CV 3141 (RRM) (VMS)  
Status Letter**

Dear Judge DeArcy Hall:

I am the attorney for Plaintiff in the above-referenced First Amendment retaliation action. Upon further research and review, Plaintiff declines to voluntarily dismiss any claims against the parties at this time. Plaintiff had previously considered withdrawing his claims against the City of New York, but to the extent the Office of the Special Commissioner of Investigation is a mayoral agency and the City is the suable entity rather than SCI, *see Jeter v. City of NY, NYCDOE*, 06 CV 3687 (July 13, 2012), at p. 13 (a copy which is attached hereto for the Court's convenience), and Plaintiff alleges retaliation by SCI as part of his First Amendment claims, it appears that the City of New York would be the viable defendant to the extent SCI is found liable for retaliatory actions against Plaintiff. Consequently, Plaintiff will respond on the merits to any arguments for dismissal of claims or parties in his response to Defendants' motion for summary judgment.

Thank you for your consideration.

Respectfully submitted,

/s  
Bryan D. Glass, Esq.  
Attorney for Plaintiff

Enclosure